

REMARKS

Applicants express gratitude to the Examiner for indicating that claims 1-32, 40-42, and 44-48 are allowed.

Applicants respectfully request reconsideration and withdrawal of the outstanding Office Action rejections in view of the foregoing amendments and following remarks. Claims 39 and 43 have been amended to delete subject matter that was rejected as failing to comply with the written description requirement. No new matter has been added and Applicants submit that no new search or undue consideration is necessary in view of the deletions made herein. Accordingly, Applicants respectfully request that the foregoing amendments be entered and examined after final.

Response to rejections under 35 U.S.C. § 112

Claims 39 and 43 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. With regard to claim 39, the Examiner asserts that the specification does not disclose a method of treating tuberculosis utilizing an immunogen which is an autoantigen, tumor antigen, virus antigen, parasite antigen, or fragments thereof. In the interest of advancing prosecution to allowance, Applicants submit that claim 39 has been amended to delete the rejected embodiments. Accordingly, Applicants submit that the rejection is rendered moot and respectfully request that claim 39 be allowed.

With regard to claim 43, the Examiner asserts that the specification does not provide written description support for a method of eliciting immune response that treats

tumors. In the interest of advancing prosecution to allowance, Applicants submit that claim 43 has been amended to delete the phrase "and the administration of said bacterial cell treats the tumor," thereby mooted the rejection. Accordingly, Applicants respectfully request that the rejection be withdrawn and that claim 43 be allowed.

Conclusion

In view of the foregoing amendment and remarks presented herein, all of the stated grounds of objection and rejection have been properly rendered moot. Applicant therefore respectfully requests that the Examiner withdrawn the outstanding rejections. Early and favorable action is awaited.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any fees and to credit any overpayments that may be required with respect to this paper to Counsel's Deposit Account No.02-2135.

Respectfully submitted,

By /Robert B. Murray/
Robert B. Murray
Attorney for Applicant
Registration No. 22,980
ROTHWELL, FIGG, ERNST & MANBECK
1425 K. Street, Suite 800
Washington, D.C. 20005
Telephone: (202) 783-6040